



Deval L. Patrick  
Governor

Andrea J. Cabral  
Secretary

*The Commonwealth of Massachusetts*  
*Department of Public Safety*  
*Architectural Access Board*  
*One Ashburton Place, Room 1310*  
*Boston, Massachusetts 02108-1618*  
*Phone 617-727-0660*  
*Fax 617-727-0665*

Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

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**Board Meeting – June 3, 2013**

**21<sup>st</sup> Floor – Conference Room 1**

**Present Board Members:**

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Carol Steinberg, Member (CS)
- Mark Trivett, Member (MT)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

**Members Not Present:**

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Andrew Bedar, Member (AB)
- Gerald LeBlanc, Member (GL)

- Meeting began at 9:15 a.m.

1) **Incoming:** Sidewalk at 16 Beacon St., Boston (V13-137)

TH - EXHIBIT – variance application

- sidewalk is being replaced in front of BAR Association
- seeking variance for the cross slope
- running slope is 2.12% and running slope is 5.5%

MB - grant

*DM - second – carries*

2) Incoming Discussion: Nashua River Canoe Access, Ponakin Rd., Lancaster (V12-134)

TH - EXHIBIT – new submittal

- originally denied in June of 2012 during incoming case review
- Petitioner was seeking variance for stairs to the river
- project didn't go forward
- there are portions of the walkway that exceed 5% (7.1%), but don't want to put in handrails

*MT - grant as proposed*

*MB - second - carries*

3) Incoming Discussion: Housing, 35 Northampton St., Boston (V12-262)

TH - EXHIBIT – new submittal, seeking variance for 3 Group 2A bathrooms, and 7 Group 2A bathrooms in another instance

- originally before the Board in November of 2012
- 234 studio units, constructed in 1972
- 3 units where the depth under the sink, from the center line of the tub drain to the edge of the sink, is 8 ½ inches instead of 12 inches
- 7 units where the depth under the sink, from the center line of the tub drain to the edge of the sink, is 9 inches instead of the required 12 inches
- 11<sup>th</sup> unit is a roll-in shower

*DM - grant as proposed*

*MT - second – carries with MB opposed*

4) Incoming: Batch Yard, 1 & 2 Bowdoin St. and 25 Charlton St., Everett (V13-132)

TH - EXHIBIT – application

- notified by email on May 13<sup>th</sup> that no CD and no service notice, so cannot proceed

*MT - cannot proceed since did not receive required documentation*

*DM - second - carries*

5) Incoming Discussion: Yo So Good Yogurt, 33 Highland Ave., Needham (V13-092)

TH - EXHIBIT – new submittal

- parking slope
- seeking variance for no access aisle
- the building entrance is up a set of stairs
- putting in the aisle will take away one spot, out of the four that are at the front, more spaces around the back of the building

*MB - grant for 23.4.7e, on the condition that it complies with 23.4.6b (5 foot access aisle)*

*MT - second – carries*

6) Incoming: 49 L St. Condos, 49 L St., Boston (V13-144)

TH - EXHIBIT – variance application

- new construction

- 8 units over the garage

- seeking variance for the ramp that leads to the elevator from the parking garage

- width, slope, and

- width is 3' 5"

- slope is 1:10

*MB - grant clear width as proposed*

*CS - second – carries*

*MB - grant slope as proposed*

*CS - second – carries*

TH - maneuvering clearances at either side of the door at the lobby

*MB - grant relief for maneuvering clearances on the condition that auto-opener installed*

*MT - second – carries*

TH - handrail extensions

- not needed

*MB - handrail extensions not required*

*DM - second - carries*

7) Incoming: Boston Church of the Christ, 75 Pleasant St., Arlington (V13-139)

TH - EXHIBIT – variance application

- over 30%

- renovation and preservation project

- 1950's building and annex

- four variances: entrance, route to the altar, stage, and sinks at classrooms

*DM - hearing*

*MB - second – carries*

8) Discussion: Blackstone Lofts, 70 Winter St., Worcester (C13-032)

TH - EXHIBIT – complaint from Elevator Inspector  
- complaint regarding lift being used as liquor storage  
- letter from condo association  
- Boiler Room is a nightclub/lounge that is working out of the basement level of the condo  
- not paying rent as the basement level tenant  
- lift that serves the boiler room has been modified by the Boiler Room and put a locking door in front of the door and using it as a liquor storage area

WW - violation has been confirmed by Elevator Inspector

TH - site visit and then issue cease and desist is found

*DM - site visit with issuance of cease and desist if violation is confirmed at the site visit*

*MT - second –*

*WW - amend to communicate with City of Worcester Licensing Commission to see if there is a liquor license for this space, by copying to the liquor licensing commission for Worcester*

*MB - at site visit, lift has to be confirmed as working, free and that the lock is not in place*

*MT - second amendments*

*- carries*

9) Incoming: Curb cuts, 75 feet east of Congress and Sleeper Street intersection, Boston (V13-142)

TH - EXHIBIT- variance application  
- location one, existing slope of 4.2%, proposing 3.67%

*MB - grant as proposed*

*DM - second – carries*

TH - curb cut has existing slope of 3.8%, proposing 2.67%

*MB - grant as proposed*

*DM - Second – carries*

10) Incoming: Town Hall, 59 Main St., Hatfield (V13-136)

TH - EXHIBIT – variance application  
- renovation and remodeling of Town Hall  
- 3 stories  
- houses Town Offices, Police & Fire, Senior Center, meeting spaces  
- spending over 30%  
- seeking 15 variances

*CS - hearing*

*MT - second – carries*

11) Incoming: Windsor Building, 18 Windsor Ave., Acton (V13-138)

- TH - EXHIBIT – variance application
- old 3-story fire house, used for storage by the town
  - being converted to community building
  - seeking variance to have vertical wheelchair lift serves levels one and two and no access to attic or the basement
  - spending over 30%
  - single user accessible toilet rooms at the first and second floor
  - email from Danny Factor, COD took part in site visit at the premises
  - COD seeks lift to be bigger for power chair and a companion
  - public meeting spaces at levels 1 and 2, no public access to basement and attic

*CS - grant the use of the compliant vertical wheelchair lift, on the condition that the Petitioners submit a signed affidavit regarding the attic and basement level*

*DM - second – carries with CS not present*

**\* Gerald LeBlanc, Member – Now Present \***

12) Incoming Discussion: 600 Washington St., State Office Building, Boston (V13-114)

- TH - EXHIBIT – follow-up to the previous variance application
- work was already done
  - seeking to provide compliant wall side handrails at three of the existing stairs (Hayward Stair, Harrison Stair and Essex Stair)
  - email from Sara Lavado, about clarification of the work and what is proposed

MB - date by which they will be installed?

TH - not in email

*MB - grant the lack of compliant handrails at both sides, on the condition that wall side handrail, as proposed, installed by September 1, 2013*

*MT - second – carries with CS not present*

**\* Raymond Glazier, Executive Office of Elder Affairs Designee – Now Present \***

13) Discussion: Berkshire Museum, 39 South St., Pittsfield (V07-170)

- TH - EXHIBIT – email from Van Shields on May 31, 2013
- required status update

- deadline for compliance is June 1, 2014 for the installation of the elevator
- they are lowering the floor, seeking to complete the work by 3/1/14

*MB - accept the report as meeting the requirements of the Board's order*

*MT - second - carries*

14) Incoming Discussion: St. Peter's Episcopal Church, 421 Wianno Rd., Osterville (V12-110)

- TH - EXHIBIT – follow-up report on vertical access installation
- temporary CO set to expire on 6/30/13, seeking an additional 30 days, just in case

*MB - motion to grant extension to August 1, 2013*

*MT - second – carries with DM as chair – no WW*

15) Discussion: Bancroft Commons, 50 Franklin St., Worcester (C11-040)

- TH - previous hearing before the Board regarding the lack of working elevators within the building
- as of May 10, 2013, \$107,000.00, fines and still accruing
  - timeframes were in place to require the elevators to comply and be in working order
  - still not in compliance with the orders of the Board or the State Elevator Board

*RG - send subpoenas for new owners and their attorney and a hearing ASAP*

*CS - second – carries with DM as chair and no WW*

16) Discussion: Acton Women's Club, 504 Main St., Acton (V11-108)

- TH - EXHIBIT – status report that was due June 1, 2013, received on May 26, 2013
- letter read into the record

*CS - accept the status report*

*MB - second – carries with DM as chair and no WW*

17) Incoming: Seventh Day Adventist Church, 94 Marlborough St., Hudson (V13-143)

- TH - EXHIBIT – variance application
- converting unused office building into single user unisex toilet room (3.3.1a, work performed)
  - existing approach to the existing door to the new single user toilet room

*CS - grant on the condition auto-opener installed*

*MB - second – carries*

18) Incoming: Kelly's Corner, 251-255 Main St., Acton (V13-134)

- TH - EXHIBIT – variance application

- building was expanded by over 3,000 square feet
- spent over 30%
- Acton Commission supports the variance request
- there are four areas where they are seeking relief for running or cross slope
- curb cut at the front accessible parking spots, which has a cross slope of 2.6%

*MB - grant cross slope at curb cut*

*DM - second - carries*

TH - access aisles are 2.3%

*MB - grant access aisles*

*GL - second - carries*

TH - parking spaces are 2.3%

*MB - grant parking spaces*

*DM - second - carries*

TH - walkway running slope is 5.3%

*MB - grant walkway running slope*

*DM - second - carries*

#### 19) Incoming Discussion: Retail Building, New Restaurant at 421 Cambridge St., Allston (V13-125)

TH - EXHIBIT- new submittals  
 - previously presented at 5/20/13  
 - 26.6.1, level landing at the door, auto opener proposed

*MB - grant as proposed*

*DM - second - carries*

TH - inside the restaurant, there is one small area, where booth is up two steps  
 - there are two other accessible booths

*DM - grant*

*RG - second – carries*

TH - unisex accessible toilet room, but two bathrooms at the basement, the rest of the basement is storage and kitchen  
 - because they are over 30%, need variance for the lack of access to the basement and the location of the toilet rooms

*CS* - grant both  
*MT* - second – carries

20) Incoming: Archstone Apartments, 195 Binney St., Cambridge (C12-097 and V13-130)

- TH - EXHIBIT – variance application  
- complaint was filed for the removal of a lift  
- hearing held on April 8<sup>th</sup>, and found in favor of the complainant  
- now seeking a variance for the entrance to the 4 units

*MB* - grant  
*DM* - second – carries

21) Incoming Discussion: Stonehurst, Robert Treat Paine Estate, 100 Robert Treat Paine Drive, Waltham (V10-171)

- TH - EXHIBIT – new submittal  
- minor modifications to the home  
- three additional variances for the men's rooms  
- stall depth is 70" instead of 72"  
- museum house

*CS* - grant  
*MB* - second – carries with GL abstaining

- TH - lavatory clear width is 28 ½" instead of 30"

*MB* - grant  
*RG* - second – carries with GL abstaining

- TH - urinal clear width  
- width of 29 ¼" provided, but the urinal screen is 5 ½" deeper than required

*MB* - grant  
*DM* - second – carries with GL abstaining

22) Incoming: MIT Building E52, 50 Memorial Dr., Cambridge (V13-141)

- TH - EXHIBIT – variance application  
- 8 stories, 7 above grade with basement level  
- spending over 30%  
- Mass Historic supports the variances  
- two variances, one for the historic entrance that faces Memorial Drive

- historic front entrance, and also stair tower variances, seeking variance for inner handrail, will install compliant wall side handrails

CS - where is the route?

MB - front entrance is on Memorial Drive, not at an on-campus quad

*MB - grant as proposed*

*MT - second – carries with CS opposed*

*MB - grant the lack of compliance at the stairs, on the condition that wall-side handrails provided as proposed*

*GL - second – carries*

23) Discussion: Questions on cases of the day

CS - no access to the loft is an issue

- will ask the Petitioners

24) Incoming: Kitchen Store, 1134 Mystic Ave., Medford (V11-246 & V13-135)

TH - EXHIBIT – variance application

- another portion of the property is being converted to expand the kitchen store

- in looking at previous case, never got the ramp plans or photographs as required

- letter from the Commission that supports the variance, on the condition that the existing ramp is built in full compliance with 521 CMR

- ramp got blocked by a chain link fence with a lock, but that issue has been resolved

- request is a variance to the front entrance and to keep the existing ramp

- first variance was for a different part of the building, but never got compliant photos or the floor plan showing where the ramp leads

*MB - need floor plan and location of the ramp, and photographs by June 14, 2013*

*MT - second – carries with DM abstaining*

*CS - site visit*

*MB - second – carries with DM abstaining*

MB - need more information on the expansion project

*MB - continue the discussion regarding the expansion entrance, until site visit conducted*

*CS - second – carries with DM abstaining*

25) Hearing: 3 Story Office Building, 896 Beacon St., Boston (V13-075)

WW - called to order at 11 a.m.  
- introduce the Board

Walter Adams, WBA Associates (WB)  
Steve Tise, TDA Architects (ST)  
David Pirog, The Copley Group (DP)

WW - all sworn in  
- EXHIBIT 1 – AAB1-34

WA - seeking a variance for the lack of an accessible entrance, minimum cab size for LULA, and Accessible toilet room

- proposing to put back into service a LULA that has existed in the building since construction, it has been out of service for as long as Mr. Pirog has been there
- this is the corporate office for The Copley Group
- old historic building, not identified as historic or landmark
- first floor of the building is 81 inches above the sidewalk
- the basement is 40 inches below the sidewalk
- the only way to create accessible entrance is to remove the existing entrance and rebuild interior and exterior
- request is based on excessive cost (well over \$350,000.00, including upgrade of elevator) without benefit, due to alternate meeting location

DP - not sure how long elevator has been out of service, State doesn't even have record of it, but at least 25 years

- would like to keep the building intact and provide the elevator access to the upper levels of the building
- met with Ruggles Church, which is across the street, and proposing to meet with people that are unable to meet at the building, can meet at the Ruggles Church
- seeking to reactivate the existing LULA

WA - AAB30, picture of the front entrance and the church across the street  
- AAB31, aerial showing the immediate proximity of the church to the building  
- it is technically feasible, but the amount of work would be an excessive cost without substantial benefit to persons with disabilities

ST - proposal is in the packet (AAB14)  
- existing condition and proposed demolition and new plan  
- this proposal would require complete reconstruction of the front of the building

WA - photographs on AAB26, front on two streets and an alley  
- side street, Park Drive, there is an entrance to the basement tenant space at this side street

- an accessible entrance at this location would only serve the basement tenant and would require the reconfiguration of an interior stair
- AAB26, alley is not paved
- third way into the basement is thru a side path and steps down into the basement
- Ruggles Street Church is across the street, and The Copley Group will use this space not only as an accessible meeting space, but as a spill over space for all meetings
- large meeting room at the church, shown on AAB32
- front door of the church is not fully compliant, so prefer not to make that alteration, due to historic nature of that door
- anyone going to a meeting at that location, will be accompanied by someone from The Copley Group, who could hold open the door
- The Copley Group made alterations to the existing single user toilet room within the church to make it a fully compliant toilet room
- \$350,000.00 is the cost of the work to the front entrance and the LULA upgrade

WW - is there an agreement with the Church

DP - agreement is to use the room at anytime that they want

WA - not a formal contract that was written up, but could be submitted

DP - had to meet with people of the church to make the decision to allow the usage of the meeting space

GL - if the church is sold next week, then there would be no accessible meeting space

WA - understand that if that is the case, will have to come back to the Board for a modification to the variance

- initially did look at a space within the building that they own in the Fenway area, which is accessible and is used as a meeting space, but a mile away from this office

MB - is there a way to have people be notified that the meeting will be held at the church if there is someone that requires access

DP - can certainly have notification and the meeting will be held at the church  
 - agree that notification in advance would be helpful

MB - just a note on the notices, that The Copley Group office is not accessible, so that the meeting invitees will be notified of where the meeting will be held

WA - can definitely be done  
 - and can submit to the Board for approval

CS - relationship with church?

- DP - not really a relationship, could meet with clients in the Fenway office, about ¾ mile away, but easier to meet with clients at the church, who they approached to see about available meeting space
- CS - letter is not sufficient, would like to see a signed agreement
- DP - have another letter, but can submit signed agreement
- CS - don't they usually use it during the day?
- DP - not during the day, usage is mainly at night, and meeting room is completely separate from the church
- DP - meeting would be with tenants, vendors, or potential leasers
- CS - other office space that is accessible that people can go to
- DP - the only other office space would be the maintenance building located in the Fenway
- WA - large amount of properties are commercial  
- none of their other office space has available space for meeting space, The Copley Group doesn't have offices at their other commercial properties
- CS - the door is always open, but have to give them notice?  
DP - yes, would give them notice
- RG - bathroom in the church, photographs notes that the sink was replaced and was the toilet replaced as well
- WA - yes, on AAB33, original and replacement
- RG - flush is not at the correct side, and is it at the right height?  
WA - that is the updated toilet room
- WW - flush is at the wrong side
- CS - doorway to the church meeting room does not have compliant hardware
- WA - yes, but will have someone from the Copley Group available to assist with opening of that door
- DM - elevator cab size?  
WA - 48" deep by 34" wide
- DM - existing shaft?  
WA - yes

GL - AAB33, round door knob

RG - does the elevator service the basement level?

WA - yes

RG - could you make the basement level tenant space entrance accessible?

WA - if you made the entrance accessible, then would only access the tenant space, elevator is not accessible from that tenant space

DP - real estate company located in the basement space, not affiliated with The Copley Group

WA - the alley is also not accessible

*MB - grant relief for the lack of access into the building, based on the testimony, verging on technological infeasibility, and accept the proposal for the alternate meeting space at the church, on the condition that the following be submitted: contract with the church about availability of the meeting space be submitted within 30 days receipt of the decision; notification on website or meeting notice about the lack of access into the building and the availability of alternate accessible meeting space*

*GL - second*

*CS - condition is also that someone is accompanied by a member of The Copley Group*

*MB - should be part of the procedures for those meetings held at the church*

*CS - in the contract, it should say that the space is always available*

*MB - that does not need to be spelled out, since the meeting will be scheduled*

*- carries with RG opposed*

*GL - Requiring that flush valve of the toilet be corrected, and mirror be corrected to the required height, the toilet paper be raised, fix and submit photos within 30 days of receipt*

*MB - any opposition to tweaks to the renovated toilet room?*

*WA - the only thing they were opposed to was the changing of the front door*

*MB - second - carries*

## 26) Incoming: Center for Adult Ed, 54 Brattle St., Cambridge (V13-140)

TH - EXHIBIT – variance application

- renovation of the center's teaching kitchen

- kitchen will comply with a ramp to the kitchen, ramp will also create access to the Spiegel Room

- work performed (3.3.1b)

- seeking two variances, landing at the top of the ramp is 57 ½" instead of the required 60"

*MB - grant ramp landing*

*CS - second- carries*

TH - latch pull side at the stage door is partially obstructed by the new ramp

- Commission supports the variances requested

- access into the auditorium

*MB - continue this discussion about pull side clearance, to have them submit what the dimensions are provided*

*RG - second –*

WW - looks like a foot

*MB - withdraw*

*MB - grant the variance for the lack of pull side clearance*

*MT - second – carries*

27) Discussion: Kristen McCosh to sit on the AAB Subcommittee

TH - letter from Kristen McCosh, asking about being a member  
- she would be replacing an advocate

MB - some sort of process in place  
- need to make sure that she would be replacing

TH - she would be replacing John Kelly who had resigned from the Subcommittee

*CS - accept Kristen McCosh as new member of the subcommittee, replacing John Kelly as the advocate position*

*DM - second - carries*

28) Discussion: Parking at Seasons Condominium, 3 Pirmi Lane, Gloucester (C12-042)

Mark Dempsey, Compliance Officer for the Board (MD)

MD - four visitor parking spaces  
- the condo association does provide an accessible space that is covered, that has a two-hour limit  
- the complainant's space is on the other side of the wall

MB - no jurisdiction since only 4 spaces,

MD - cover space is provided and not required

CS - there are some spaces provided

*MB - no jurisdiction over this parking lot, since less than 15 visitor spaces, and thank you for providing something above and beyond required law*

*MT - second – carries*

29) Discussion: Sidewalk on Bacon Street, Bacon St. and Athletic Field Rd., Waltham (C11-100)

- MD - site visit conducted and met with Luke Stanton, Assistant City Solicitor, May 15, 2013  
- there is a water main project that will be done this summer, and as part of that, they will be creating curb cuts to cross the street to the other side  
- hearing was held on June 25, 2012  
- decision was to find in favor of the complainant, require plan for compliance or variance by August 1, 2012  
- plan for compliance would require a variance

- CS - cross walks are great, but need signage directing to accessible route  
- the plan with that signage would be acceptable

*CS - accept the submitted plan, on the condition that directional signage is posted, and on the condition that a variance is submitted to the Board within 30 days receipt of the decision*

*RG - second - carries*

30) Incoming Discussion: The Boulders, 156 Brittany Manor, South Amherst (V13-106)

- TH - EXHIBIT – new submittal  
- variance is for 25.2, regarding the approaches to the front entrance  
- spending over \$100,000.00, triggers requirements for entrances  
- to comply, a new concrete pad would have to be added at each entrance door, and walkways would have to be upgraded

- MB - what is inside the door?  
- this could create a major access upgrade

*MB - deny*

*RG - second - carries*

31) Incoming Discussion: Oliviera's Restaurant, 749 Broadway, Everett (V13-091)

- TH - EXHIBIT – new submittal  
- third presentation before the Board  
- now seeking 23 additional variances from the code  
- had set aside the date for a hearing

*CS - hearing*

*DM - second – carries*

32) Incoming: Housing Project, multiple variances, multiple locations, Boston (V13-145)

- TH - EXHIBIT – variance application  
- 10 buildings all located in the south end of Boston

- all regular upgrades (new mechanical, electrical, HVAC, exterior work, fire safety)
- 8 new units added at 8 separate buildings
- ramps will be added to rear yards, where required
- 10 variance requests

CS - *hearing*

DM - *second – carries*

33) Incoming Discussion: Whitney Center for the Arts, 42 Wendall Avenue, Pittsfield (V13-131)

TH - EXHIBIT – new submittal from artist, including video of rites of passage performance that will occur on the second floor

- received submittal on May 31, 2013
- space rented by artist to present performance at the second floor
- reached out to Community Access for the Arts
- view video

CS - *grant the use of the second floor with temporary certificate of occupancy, for this performance “Rites of Passage” only for the upcoming four days, June 7<sup>th</sup> thru June 10<sup>th</sup> 2013, so long as the video is shown and available at the first floor,*

MB - *second – carries with MT opposed*

DM - *the building owner shall submit a plan of access for any future use of the second floor, and confirmation of accessibility at the first floor*

MB - *second- amend to order that the Building Official not allow an occupancy permit, temporary or otherwise, after June 10, 2013, for any use open to the public*

TH - *no confirmation of any access into the first floor*

KS - *what date for submittal?*

MB - *no access until they get that plan submitted and approved*

34) Hearing: Becket Athenaeum, 3367 Main St., Becket (V13-073)

WW - called to order at 2 p.m.

- introduce the Board

Stephen Barry, Barry Architects (SB)

Cathy Defoe, Becket Athenaeum (CD)

WW - both sworn in

- EXHIBIT 1 – AAB1-41

CD - established in 1888, community library for region

- small after school program, for the elementary school that is adjacent to the building
- former choir loft at east side of the building, used for quiet group activities, private reading

- Main Street entrance is in need of an upgrade, both aesthetically and for energy conservation
- private grant funding the project
- hoping to have the project completed within 18 months

- SB
- building was originally a church and then converted to a grange hall
  - private benefactor grant
  - kitchen is quite small, bathroom needs upgrades, and ramp needs to be brought into compliance
  - loft that is proposing to be built is 9 feet wide by 35 feet long
  - the grant money is \$130,000.00, the value of the building is \$190,000.00
  - headroom under the old stair to the choir loft does not meet the minimum head room requirements
  - nosings have a lip and are proposing to infill, but no other changes to the stair
  - existing handrail is not continuous, but adding a compliant handrail would narrow the width of the stair

further

- the height of the interior handrails
- 99% of the use of the building is on the main floor
- some activities do go on at the upper level

- CD
- choir loft is the only area accessed by the stairs
  - existing loft is 10 feet by 35 feet

- SB
- proposing to mirror the loft at the other side with a compliant stair

- MB
- height of the headroom provided

- SB
- basement stair to the basement, lack of headroom across the front lobby

- CD
- I think around 7 feet, but it varied
  - 74" to 66"

- WW
- is the building owned by the Town?
- CD
- no, private nonprofit corporation

- KS
- lack of head height is on the stairs?

- MB
- yes, along the stairway

- MB*
- no jurisdiction regarding head height at stairs, issue of 780 CMR*
- CS*
- second – carries*

- MB*
- grant relief to the mitigation piece for the nosings as proposed*
- MT*
- second – carries*

- MB*
- grant relief for the interior handrail (all variances requested), on the condition that compliant wall side handrails*
- CS*
- second – carries*

- SB - AAB31, concrete stair at the front entrance is falling apart  
 - AAB35, shows stair leads to walkway that leads to Route 8  
 - no parking in front of the building, all of the parking is at the back of the building  
 - ramp at the rear near the parking, ramp will be brought into compliance  
 - would like to rebuild the front entrance stairs for safety reasons  
 - will make the stairs comply in full when rebuilt
- MB - is there ever an event on that front lawn  
 - create a walkway from the parking lot, in case there is something held at the front yard
- CS - how do you take the kid outside?
- CD - just walk them from the school, to the athenaeum, they don't go outside  
 - entranceway on AAB34
- SB - one room building
- CD - if the children play, they would play at the school first, and then come over to the building  
 - typically don't do activities at the front of the building, since right on the main highway
- RG - front door hardware
- SB - front door is historic, but is covered by a quilt because you can see around the trim of the door  
 - that door will be replaced and will comply when it is redone
- RG - is the parking space provided a van accessible space?  
 SB - yes, but need to change marking
- CS - *grant the variance for the lack of access at the front entrance, on the condition that, as proposed, the rear entrance ramp is brought into full compliance, and the new stairs and entrance door comply in full, the parking space be a compliant van accessible parking space*
- DM - *second – carries*
- WW - vertical access to the new and existing mezzanine
- SB - reason for the lack of vertical access is cost of access and the fact that the mezzanine level activities can be held at the first floor
- CD - anything at the loft level can be done at the first floor
- CS - kids like lofts, and to not be able to access the loft, even though accommodation, it's not the same  
 - why can't expand out

SB - directly adjacent to the driveway, then septic and the well and the parking, can't expand based on DEP, because the septic and the well are so close

CS - anything in the packet attesting to that

CD - \$25,000 for one lift

SB - not including electrical work and construction costs

CS - would like to see small room at the first floor as a comparable space

DM - \$130,000.00 for the work

- how much of that have you already used?

CD - phase 1 was \$25,000.00, and halfway thru that now

DM - what about time variance?

WW - can't do it inside, would have to do it outside, that can't be done due to site constraints

MB - just a platform that is elevated to get more space within the building

- quiet space at the main floor as well

- if someone not able to get to loft space, then will move the program to the first floor (whether parent or student)

CD - AAB27, closed doors are for the history room, which create a quiet room

CS - how is the additional need found?

CD - work closely with the school and have found that more children need the after school program

*MB - grant the variance for the lack of access to the existing and proposed loft/mezzanine spaces, on the condition that a written policy is submitted regarding the program being moved to the first floor if a student or parent of a student within the program is unable to access the loft space*

*RG - second – carries with CS opposed*

TH - AAB41, dotted line at the front of the building, mezzanine level?

SB - yes, the existing balcony

CD - not a kitchen, kitchenette

- very small, only enough room for 2 people, sink, small college dorm fridge

- proposing new kitchen, will have sink with knee clearance, but proposing to have range and stove as one unit, not separate

SB - kitchen is 10'7 by 9'3, putting the two separate accessible units will reduce counter size

CD - only make cookies or bake once a month with the kids

*MB - grant variance for 32.8*

*MT - second – carries*

WW - pantry depth

CD - pantry is for cleaning equipment

SB - staff use of cleaning supplies

*MT - grant 32.4*

*MB - second – carries*

WW - light switches height

SB - stair that goes to the loft, light switch at the bottom of the stair

*MB - no jurisdiction since staff only*

KS - staff or paid employees

CD - some staff are volunteers

*MB - grant the variance for 39.3*

*MT - second - carries*

**\* No more Diane McLeod \***

35) Hearing: First Parish Church, 225 Boston Post Rd., Wayland (V13-064)

WW - called to order at 3 p.m.

- introduce the Board

Lynne Spencer, Spencer & Vogt Group (LS)

Patrick Guthrie, Spencer & Vogt Group (PG)

Lea Anderson, First Parish of Wayland Construction Committee (LA)

Mary Trageser, First Parish of Wayland Construction Committee (MaryT)

Enrique De Los Reyes, First Parish of Wayland Construction Committee (ED)

Penny Wilson, First Parish of Wayland, parish Committee Board (PW)

WW - all sworn in

- EXHIBIT 1- AAB1-29

- WW - is anything that is on the presentation boards different than in the packet  
 PG - no, but do have additional submittals to hand in
- PG - first item is the additional submittal is that cost overruns in the project, so seeking additional time to implement changes  
 - additional accommodation elements outlined on AAB19
- MD - forwarded new packet that was sent via email
- WW - one as two and one as three
- KS - amended variance application as EXHIBIT 2 and letter regarding amended sanctuary revisions as EXHIBIT 3  
 WW - okay
- PG - 25.1, granite stone entry  
 - seeking variance for the lack of access at this entrance  
 - challenging technically and limited benefit for how the building is used  
 - flight of 3 granite steps from the driveway  
 - septic system installed at the far side  
 - top step is 4' wide, and 11 inches lower than floor level inside the narthex  
 - would encroach on the septic system  
 - estimated cost is well over \$100,000.00  
 - presently the doorway is still accessible, you can enter into the meeting house via an existing accessible entrance  
 - by creating the link between the two buildings, creating a more generous central entrance  
 - the link also creates access to the second floor  
 - access to classroom and meeting spaces at the second floor  
 - 1981 meeting house addition and elevator
- MB - weddings, do people take pictures in front of the church
- LA - sometimes do, can get to the front by the currently accessible entrance at the back of the meetinghouse  
 - sometimes they are taken at the west side of the building as well
- MB - by pulling out the front entrance, but understand the adjacent septic system problems
- CS - accessible entrance?  
 PG - current porch entrance with sloped walkway entrance
- CS - *grant the variance for the lack of access at the existing historic front entrance, as proposed*  
 GL - *second – carries*

- PG - the request for variance on the narthex handrails  
- presently have historic handrails with noncompliant interior handrail and no handrail at the wall  
- seeking to retain existing handrail system and install compliant wall side handrail
- CS - *grant as proposed, on the condition that compliant wall side handrail, as proposed (27.4.1)*  
GL - *second – carries*
- PG - 29.2.3 change in level for the pulpit and organ loft  
- both requests are predicated on additional improvements within the church  
- Exhibit 3 is a request from the church to have more time to provide the accommodations for these areas that lack access  
- AAB19, shows the modifications to pews, integrated seating, and modifications to the pulpit to create an accessible platform  
- at the front of the church, seeking variance for the lack of access to the pulpit  
- the raised platform that the pulpit is on is currently not accessible, but the intent is to make that platform accessible  
- the work to the platform and the modification of the pews  
- still seeking variance for the lack of access to the pulpit  
- but need time for the modifications to the platform and the pews
- LA - now seeking within 5 years for the pews and the work to the platform
- MB - cost analysis for that work
- PG - between \$15-30,000.00 for that work to be done  
- part of the churches hope was to extend the wall
- WW - change in level to choir loft
- PG - yes, and accessible platform is part of that accommodation for the choir
- MB - five years for accessible seating is a long time  
- an accommodation at the ground floor for service participation is more feasible, but would like to see at least one row that is modified with accessible pews
- CS - have been to this church and had to sit in the aisle  
- accessible entrance but no accessible seating  
- what is the accommodation for the choir?  
- perform at the front?
- LA - can perform at the front of the church, and sometimes do already
- CS - looked into access to the loft?

PG - yes, looked into lift, but issue is also within the choir loft, so multiple changes of level within that loft

LA - violinists and cellists sometimes perform at the loft as well, but they would be accommodated at the accessible platform

RG - five years is a long time with not a lot of expense  
- prioritize that sooner than later

*MB - continue the decision on the pews, to have the Petitioners submit cost analysis for accessible wheelchair spaces*

*- withdraw*

*- grant relief for two of the wheelchair seating locations to be completed by June 1, 2016, on the condition that two wheelchair seating locations are provided with the current renovation*

*CS - second – carries*

*CS - grant the variance for the lack of access to the choir loft, on the condition that the platform is made accessible by June 1, 2016*

*MB - second –*

*CS - choir accommodation*

*PW - bell choir performs from the front of the church currently, can accommodate at the front of the church*

*- carries*

*MB - grant relief for the lack of access to the pulpit based on tech. infeasibility*

*MT - second – carries*

PG - warming kitchen currently not accessible  
- intent to renovate this kitchen  
- asking for additional time to renovate the space

CS - who uses that kitchen?

LA - just for coffee after service and some meeting

PG - seeking 5 years

*MB - grant to June 1, 2018 for the lack of access to the kitchen*

*GL - second – carries*

### 36) Discussion: First Dental, 366 Salem St., Medford

TH - conversion of realtor office to dental office, full compliance required  
- got a call from the dentist saying that he needs a temporary CO  
- no variance application as of yet

- dentist wants to have the Board tell the Medford Building Department to allow a temporary CO
- zoning board decision says ramp from waiting to treatment room required
- proposing lift at the rear entrance
- copy of check dated May 21, 2013, but no check in the office, and no variance application either

*GL - deny the issuance of a temporary certificate of occupancy, contact Medford Inspector that no occupancy*

*MB - second – carries*

**\* No more Myra Berloff \***

37) Discussion: Westfield City Hall, 59 Court Street, Westfield (V13-060)

- TH
- EXHIBIT – new submittal
  - continued three items
  - one was nosings
  - seeking relief on the nosings

*CS - grant as proposed for nosings*

*MT - second - carries*

- TH
- request for handrails at exterior stairs
  - front stair handrails will be altered and replaced to comply in full
  - handrails at entrance #5, presently no handrails for the single step and the three interior steps, proposing new compliant handrails

*MT - accept the plan SKA-04 as a plan for compliance for the handrails*

*GL - second - carries*

38) Discussion: Barrington Stage Company, 36 Linden St., Pittsfield (V12-190)

- TH
- EXHIBIT – status report and photos
  - photos of bathroom and signage at the top of the ramp

*MT - accept the photos and the status report*

*RG - second – carries*

39) Discussion: Harwell House Homes, Cambridge

- TH
- sent to attorney general for opinion regarding jurisdiction
  - have not heard back yet
  - they are now going to apply for the variance
  - can continue to next meeting to make sure that entire Board has reviewed this submittal
  - letter is a request for variance, but not on the actual form

- would prefer to continue

*RG - motion to continue to next meeting*

*CS - second – carries*

40) Incoming: Fletcher Building, 49 Main St., Ayer (V13-133)

TH - EXHIBIT – new submittal to follow-up V10-189

- handrails at interior portion have distance between handrails and adjacent wall complies, but then goes over window and more than the required distance

- 4 inches at the window

*MT - deny and require the backer-board shown in the photos submitted with the variance*

*GL - second – carries*

41) Incoming Discussion: Sidewalk widths, Linden Ave. (V13-042), Harrison Ave. (V13-043), Albion St. (V13-044), and Yorktown St. (V13-053), Somerville

TH - originally presented on 2/25/13

- obstructions along existing sidewalk

- continued all of them

- EXHIBIT – May 21, 2013 submittal from consultant for the City

- now received narrative, color coded maps, and signage location

- all four are the same, identical, but different street locations

*GL - grant all as proposed*

*MT - second – carries*

42) Incoming Discussion: Starbucks, 411 Mass. Ave., Acton (V13-112)

TH - EXHIBIT- new submittal

- previously presented on 5/20/13

- continued to hear from the owner

- new ramp proposed and therefore complies

*MT - no variance required because they are now proposing compliant entrance out to the patio*

*GL - second –carries*

**\* No more Jerry LeBlanc \***

43) Advisory Opinion: Section 25.3 opinion, Patrick Guthrie, Spencer Vogt

TH - EXHIBIT – diagram

WW - 780 CMR states required distance as well

*MT - does not comply*

*CS - second - carries*

44) Discussion: Decisions and minutes from May 20, 2013

*MT - accept minute and decisions from 5/20/13*

*CS - second – carries*

45) Advisory Opinion: June 3, 2013 from Kevin Hastings regarding grab bar above flushometer

TH - EXHIBIT- submittal

- one inch between the top of the flushometer and the bottom of the grab bar

- initially asked by David Holmes, Building Inspector, but Hastings noted that no language regarding flushometer distance to the grab bar

- variance not required to allow less than 1.5” above the flushometer

*MT - no variance required*

*CS - second – carries*

46) Advisory Opinion: Accessible paths, Thaddeus Samasco

TH - EXHIBIT – submittal

- route for path of travel

- second email submitted today

- the path to the circle is accessible

*CS - design complies*

*RG - second – carries*

47) Advisory Opinion: 44 Moultry St., Codman Charter School, Dorchester

TH - moving into a space that has been open to the public

- but no record for occupancies and uses

- proposed Codman Academy Kindergarten Center

- using the second floor, which has been used by the public in the past

- no change in use, no spending over \$100,000.00

*CS - under 521 CMR, no jurisdiction based on spending, but no limits under other federal or state requirements*

*RG - second – carries*

- End of Meeting -